



**SANTA MONICA BAY  
RESTORATION COMMISSION**  
MANAGEMENT CONFERENCE OF THE NATIONAL ESTUARY PROGRAM

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**June 11, 2021**

**Agenda Item: 3.d**

**To:** Governing Board, Santa Monica Bay Restoration Commission

**From:** Guangyu Wang, Chief Administrative Director

**Re:** **Consideration of Adoption of the Resolution regarding Public Access at the Ballona Wetlands Ecological Reserve**

**Action Requested of the Governing Board**

Adopt Resolution 21-03 regarding public access at the Ballona Wetlands Ecological Reserve (Reserve). (See [Attachment A](#)).

**Background**

The Reserve is part of the largest remaining coastal wetland in the Santa Monica Bay watershed and is managed by California Department of Fish and Wildlife (CDFW). CDFW also oversees the restoration planning of the Reserve and permits and manages access to portions of the Reserve. Some members of the Governing Board and some Santa Monica Bay Stakeholders, including members of the public, have expressed interest in public access at the Reserve, including for CDFW to consider increasing public access at the Reserve for additional educational and stewardship opportunities.

CDFW presented an information item on the existing public access opportunities at the Reserve at the August 20, 2020 Governing Board meeting and provided an update on that information item at the September 17, 2020 Executive Committee meeting. In CDFW's October 7, 2020 memorandum to the Chief Administrative Director of the Commission (CDFW Memo), CDFW reiterated information regarding the existing public access opportunities at the Reserve and stated "With public access and educational opportunities currently provided at [the Reserve] (albeit current stoppage due to the COVID 19 pandemic) and after careful consideration, [CDFW] has decided against opening additional access at this time due to operational and maintenance constraints, including planning, staffing, funding, control, and safety concerns" (see [Attachment 1](#) of Attachment A).

At the October 22, 2020 Governing Board meeting, some Governing Board members requested that the Executive Committee discuss and consider a response to the CDFW Memo. At its March 18, 2021 meeting, the Executive Committee directed Commission staff (Staff) to draft a proposed resolution of non-binding recommendations to CDFW regarding public access at the Reserve for the Governing Board's consideration of adoption. On May 13, 2021, Staff distributed to the Executive Committee a staff report, proposed draft resolution, and written comments received from Governing Board member McKeown and members of the public regarding public access at the Reserve.



*The Santa Monica Bay Restoration Commission's mission is to restore and enhance Santa Monica Bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, mitigate the impacts of climate change and sea level rise, and protect Santa Monica Bay's benefits and values.*

The proposed draft resolution regarding public access at the Reserve could support the furtherance of Actions #13, #25, and #28 in the [Action Plan](#) of the Santa Monica Bay National Estuary Program (NEP) Comprehensive Conservation and Management Plan (CCMP Action Plan). The CCMP Action Plan, approved by the Governing Board in 2018, aims to protect, restore, enhance, and improve natural habitats in the Santa Monica Bay watershed while balancing the need to provide benefits to the public through several key actions, including:

- **Action #13: Restore the Reserve**

The goal of this action is to restore the Reserve to improve habitat condition, functions, and services and create public access trails and bike paths to encourage recreation and stewardship at the Reserve. This action is advanced by continuing restoration planning efforts and authorized community engagement and restoration events at the Reserve, which provide public access and educational and stewardship opportunities, although these events are halted during the COVID-19 pandemic.

- **Action #25: Support best management practices, increased public access, and improved trail systems**

This action supports best management practices that promote natural habitat values, such as protection and restoration of sensitive habitat and wildlife, while balancing the need to provide benefits to people through public access and educational and stewardship opportunities.

- **Action #28: Support disadvantaged communities**

This action supports efforts of disadvantaged communities to promote environmental equity and justice for the underserved, including disadvantaged communities, persons with disabilities, tribes, and others, through work to restore habitats and watersheds, provide public access and recreational opportunities, and increase resilience to climate change.

Continuing and increasing public access and educational and stewardship opportunities at the Reserve that promotes natural habitat values, such as protection and restoration of sensitive habitat and wildlife, while balancing the need to provide benefits to people would further the implementation of CCMP Actions #13, #25, and #28. Public access should be continued and increased to the extent that it is appropriate (e.g., aligned with restoration and habitat protection goals and the protection of public safety) and feasible (e.g., availability of staffing and funding).

At its May 20, 2021 meeting, the Executive Committee discussed the proposed draft resolution. Member Shelley Luce shared concerns about encouraging public access that may endanger the public and expose the State to legal liability. Member Luce suggested adding “whereas” clauses to the proposed draft resolution regarding the State’s restoration plan for the Reserve and limited public services, presence of homeless encampments, and illegal activities in portions of the Reserve that may endanger the public and expose the State to legal liability.

Executive Committee members discussed possible procedures for the Executive Committee to revise the proposed draft resolution. Claire Waggoner, alternate for Jonathan Bishop, suggested that the Executive Committee members did not need to agree with Member Luce’s proposed “whereas” clauses. But that the Executive Committee could direct Staff to include these clauses in the proposed final draft resolution as optional “whereas” clauses. This approach would allow the public to review the optional “whereas” clauses prior to the Governing Board’s consideration of adoption of the resolution. Consequently, the Executive Committee directed Staff to consider adding the following optional “whereas” clauses to the proposed draft resolution for the Governing Board’s consideration:

- **Optional clause A:** “Whereas, the Reserve has few public services in most areas and a known presence of homeless encampments and illegal activities including drug use and the storage, processing, and transportation of stolen goods”
- **Optional clause B:** “Whereas, substantial hazards are present that endanger the public and expose the State of California to legal liability”
- **Optional clause C:** “Whereas, the best way to increase public access is to implement the State’s restoration plan with its trail system and critical services including restrooms, drinking fountains, and other services”

The proposed draft resolution resolves to, in part, “encourage CDFW to continue public access and educational and stewardship opportunities at the Reserve and increase opportunities to the extent it determines such increased opportunities are appropriate and feasible in the future.” CDFW may assess public safety concerns, access to public services, or legal liability as part of determining the appropriateness and feasibility of increasing opportunities at the Reserve. Consequently, Staff did not include optional clauses A, B, and C in the proposed final draft resolution ([Attachment A](#)). However, Staff is providing these optional clauses in this staff report for the Governing Board’s consideration.

Governing Board members may propose revisions to the proposed final draft resolution during the voting process. For example, the Governing Board may vote on whether to add additional language, such as optional clauses A, B, or C, to the proposed final draft resolution. Then, the Governing Board may vote on whether to adopt the proposed final draft resolution with any approved revisions incorporated.

## **Staff Recommendation**

Staff recommends the Governing Board adopt Resolution 21-03 regarding public access at the Reserve, which expresses the following:

- Recognition that public access and educational and stewardship opportunities in natural habitats in the Santa Monica Bay watershed are important but that they must be done in consideration of resources, public safety, and the potential impacts from increased presence of humans to ensure projects that protect, restore, enhance, and improve habitats are not undermined or rendered ineffective;
- Encouragement to CDFW to continue public access and educational and stewardship opportunities at the Reserve and increase opportunities to the extent it determines such increased opportunities are appropriate and feasible in the future; and
- Direction to Commission staff to convey this resolution to CDFW expressing the Commission's non-binding recommendations regarding public access and educational and stewardship opportunities at the Reserve.

Staff recommends the Governing Board not include optional clauses A, B, and C as these clauses are adequately addressed in the proposed final draft resolution. Specifically, CDFW may assess public safety concerns, access to public services, or legal liability as part of determining the appropriateness and feasibility of increasing opportunities at the Reserve.

## **Attachments**

### [Attachment A](#)

Proposed Final Draft Resolution 21-03 regarding Public Access at the Reserve



**ATTACHMENT A**

**- STAFF PROPOSED FINAL DRAFT -**

**RESOLUTION OF THE SANTA MONICA BAY RESTORATION COMMISSION  
REGARDING PUBLIC ACCESS AT THE  
BALLONA WETLANDS ECOLOGICAL RESERVE  
June 17, 2021**

**Resolution No. 21-03**

WHEREAS, The mission of the Santa Monica Bay Restoration Commission (Commission) is to restore and enhance Santa Monica Bay through actions and partnerships that improve water quality, conserve and rehabilitate natural resources, mitigate the impacts of climate change and sea level rise, and protect Santa Monica Bay's benefits and values; and

WHEREAS, The Santa Monica Bay National Estuary Program's (NEP) Comprehensive Conservation and Management Plan (CCMP) addresses a range of environmental problems facing Santa Monica Bay while recognizing and balancing the needs of the local community; and

WHEREAS, Some members of the Governing Board and some Santa Monica Bay Stakeholders, including members of the public, have expressed interest in public access at the Ballona Wetlands Ecological Reserve (the Reserve), including for California Department of Fish and Wildlife (CDFW) to consider increasing public access at the Reserve for additional educational and stewardship opportunities; and

WHEREAS, The Reserve is part of the largest remaining coastal wetland in the Santa Monica Bay watershed and is managed by CDFW. CDFW also oversees the restoration planning of the Reserve and permits and manages access to portions of the Reserve; and

WHEREAS, CDFW presented an information item on the existing public access opportunities at the Reserve at the August 20, 2020 Governing Board meeting and provided an update on that information item at the September 17, 2020 Executive Committee meeting; and

WHEREAS, In CDFW's October 7, 2020 memorandum to the Chief Administrative Director of the Commission (CDFW Memo), CDFW provided the same information to the Commission regarding the existing public access opportunities at the Reserve and stated "With public access and educational opportunities currently provided at [the Reserve] (albeit current stoppage due to the COVID 19 pandemic) and after careful consideration, [CDFW] has decided against opening additional access at this time due to operational and maintenance constraints, including planning, staffing, funding, control, and safety concerns" (Attachment 1); and



WHEREAS, Several actions in the CCMP Action Plan approved by the Governing Board in 2018 aim to protect, restore, enhance, and improve natural habitat in the Santa Monica Bay watershed while balancing the need to improve public access and provide educational and stewardship opportunities in natural habitats of the Santa Monica Bay watershed; and

WHEREAS, Action #13 of the CCMP Action Plan aims to restore the Reserve to improve wetland, transition, and upland habitats, functions, and services and create public access trails and bike paths to encourage recreation and stewardship at the Reserve; Action #25 supports best management practices, increased public access, and improved public facilities for beaches and other public trail systems to support both enhanced natural resources values and benefits to people; and Action #28 supports efforts of disadvantaged communities to achieve healthy habitats, implement green infrastructure, and reduce pollution, including efforts to promote environmental equity and justice for the underserved by providing public access and recreational opportunities; and

WHEREAS, Continuing and increasing public access and educational and stewardship opportunities at the Reserve that promotes natural habitat values, such as protection and restoration of sensitive habitat and wildlife, while balancing the need to provide benefits to people would further the implementation of CCMP Actions #13, #25, and #28; and

NOW THEREFORE BE IT RESOLVED that the Governing Board of the Commission hereby:

1. RECOGNIZES that public access and educational and stewardship opportunities in natural habitats in the Santa Monica Bay watershed are important but that they must be done in consideration of resources, public safety, and the potential impacts from increased presence of humans to ensure projects that protect, restore, enhance, and improve habitats are not undermined or rendered ineffective; and
2. ENCOURAGES CDFW to continue public access and educational and stewardship opportunities at the Reserve and increase opportunities to the extent it determines such increased opportunities are appropriate and feasible in the future; and
3. DIRECTS Commission staff to convey this resolution to CDFW expressing the Commission's non-binding recommendations regarding public access and educational and stewardship opportunities at the Reserve.

BY:

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Charlie Caspary  
Governing Board Chair  
Santa Monica Bay Restoration Commission

## **ATTACHMENT 1**

### **October 7, 2020 CDFW Memorandum regarding Public Access at the Reserve**

This page is intentionally blank. Please see the next page for the CDFW Memo.



## ATTACHMENT 1



State of California  
Department of Fish and Wildlife

### Memorandum

**Date:** October 07, 2020

**To:** Mr. Guangyu Wang, Chief Administrative Director  
Santa Monica Bay Restoration Commission  
320 West 4<sup>th</sup> Street, Suite 200  
Los Angeles, CA 90013

**From:** Richard G. Burg  
Environmental Program Manager  
California Department of Fish and Wildlife  
3883 Ruffin Rd  
San Diego, CA 92123

**Subject:** Ballona Wetlands Access

Dear Director Wang:

The California Department of Fish and Wildlife (Department) sincerely appreciates the SMBRC's interest in Department lands, and particularly access at the Ballona Wetlands Ecological Reserve (BWER). This letter is intended as a follow-up to, and to reiterate, what was presented to the Santa Monica Bay Restoration Commission (SMBRC) on August 20, 2020.

The BWER is an Ecological Reserve with the primary purpose of protection and enhancement of native rare species and habitats. It is not uncommon for our Ecological Reserves to be closed to the public and/or with limited access so the Department can concentrate efforts on wildlife stewardship and operational needs; there are many examples of this throughout California and here in our own south coast region.

The Department acknowledges concerns that an approximate 4-acre portion of Area A has not been opened to the public for managed access as proposed in the 2007 Early Action Plan. Although the plan is still marked as draft, much of it has been implemented (e.g., Area B signage, trails, and fencing, site security, litter and trash removal, Reserve-wide signage). With public access and educational opportunities currently being provided at BWER (albeit current stoppage due to the COVID 19 pandemic) and after careful consideration, the Department has decided against opening additional access at this time due to operational and maintenance constraints including planning, staffing, funding, control, and safety concerns.

On the topic of funding and safety concerns, the last time a portion of Area A was opened a Mountains Recreation and Conservation Authority ranger was present. That presence helped ensure that any visitor or vehicle would not be stuck in BWER after hours when the gate was closed, ensure visitors remained on the trail instead of wandering out into other portions of Area A, and that any interaction with the homeless was benign. Although Department wardens conduct routine patrols and coordinate with local homeless and law enforcement agencies to post and remove homeless encampments from BWER, the openness and large amount of space make maintaining the area free of homeless encampments near impossible. In fact, an



unauthorized site visit to BWER by a politician occurred on the same day and time and in near proximity to a Department enforcement action at a homeless encampment. Modifications to the channel, levees, and topography via the proposed restoration project would prevent reestablishment of these encampments. Until then, enforcement actions, including encampment removals, will continue in Area A. Ultimately, without funding and/or proper staffing to ensure visitor safety and appropriate use, additional access to BWER at this time is infeasible.

Below are illustrations of numerous current public use opportunities at BWER in Areas B and C (see also Attachment A):

- Ballfields (a non-wildlife-dependent use), where 100's of children (many underserved), are able to enjoy the outdoors for much of the year,
- Two education programs: In 2019 the reserve hosted approximately 9,500 K-12 children (approximately half of them from Title 1 schools), over 9,000 volunteer hours from 3,000 volunteers, and nearly 200 field trips and events. These education programs serve dozens of zip codes from the West Valley to East Los Angeles to Long Beach (many underserved communities). The Friends of Ballona have informed CDFW that they do not turn anyone away,
- 2019 Bay Foundation Ballona restoration activities included 41 events with over 100 volunteers,
- A bike path that runs the entire length of the Reserve allowing viewing of Areas A and South Area C.,
- A visitor viewing platform used by the two educational programs,
- Two active community engaged restoration events,
- A replica Native American village which is open to the general public once a month, and
- Boating and fishing in the Ballona Creek main channel (barbless hooks only).

The Department is fully aware of the need for access to open space in one of the largest urban areas in the world, and have been, are, and will continue to accommodate and expand where it's feasible and makes sense. If we were in the position to expand access at BWER it would likely come in the form of expanded opportunities in West Area B where we have existing partners, program infrastructure, somewhat functional tidal wetlands, a secure site, and ongoing dune habitat restoration.

The Department recommends other areas that would provide similar and/or higher quality recreational opportunities the public may be seeking. There are several State Parks, State Historic Parks, and/or State Recreational Areas within approx. 20 miles of BWER. These parks have far superior facilities than found at BWER. Baldwin Hills Scenic Overlook (BHSE) is 7.5 miles east of BWER situated on a bluff overlooking the Ballona Creek. This park has numerous amenities including parking, restrooms, hiking trails, and a Visitor Center. Kenneth Hahn State Recreational Area is located just 8 miles away near BHSE. This recreational area is run by the County of LA and has amenities such as parking and restrooms. It also has a fishing lake. Will Rogers State Historic Park is located 10 miles away and has parking, restrooms, hiking trails, and a Visitor Center. Trippet Ranch is a wonderful location and situated in Topanga State Park approx. 17 miles northeast of BWER. Trippet Ranch has plenty of parking, restrooms, and numerous well signed hiking trails. The four parks I mention above have a wide range of habitat types including but not limited to

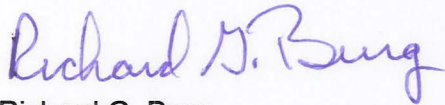


wetlands, coastal sage scrub, riparian, chaparral, oak woodlands, and lacustrine that would allow the public recreational opportunities. Information to these and additional nearby State Parks can be found at: <https://www.parks.ca.gov/ParkIndex>.

Upon completion of the proposed restoration at BWER, potential public access improvements and visitor amenities may include up to 29,000 additional linear feet (approximately 5.5 miles) of pedestrian-only trails, approximately 2,000 linear feet of elevated, gateway entrances, educational features, viewing platforms with overlooks, and new and improved parking facilities could be constructed. These improvements would develop and enhance public access, recreation, and interpretation opportunities within BWER.

The Department wishes to thank the Santa Monica Bay Restoration Commission Governing Board for all their efforts on the Departments behalf. If you have any questions you can contact the Department's delegated representative Randy Rodriguez ([randy.rodriguez@wildlife.ca.gov](mailto:randy.rodriguez@wildlife.ca.gov)). Thank you for your time and consideration.

Sincerely,

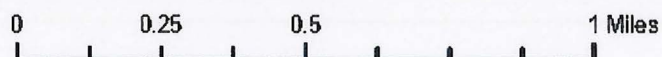


Richard G. Burg  
Environmental Program Manager  
South Coast Region





## Ballona Wetlands ER Visitor Areas and Information



Data Source: CDFW Data Portal

### 2019 Ballona Wetlands ER Visitor Counts

	Students Served	Volunteer Hours	Field Trips/Events	Volunteers
Friends of Ballona	7070	7410	143	2964
LA Audubon	2363	1564	44	-
Bay Foundation	-	204	12	102
<b>Totals</b>	<b>9433</b>	<b>9178</b>	<b>199</b>	<b>3066</b>